

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK
Plaintiff,

v.

**PROGRESSIVE FINANCIAL
SERVICES, INC. et al**

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Case No. 4:13cv 544

REPORT OF RULE 26(f) PLANNING CONFERENCE

In accordance with the Court's Order to Conduct Rule 26(f) Conference dated December 12 2013, and the Federal Rules of Civil Procedure, Plaintiff, David Mack (Plaintiff) and Defendants, Progressive Financial Services, Inc. (PFS) and Christopher Hale (Hale) hereby submit this Report of Rule 26(f) Planning Meeting and state as follows:

1. Rule 26(f) Conference: The Rule 26(f) Conference was held on January 10, 2014 between Plaintiff David Mack, proceeding *pro se* and Robbie Malone, counsel for PFS and Hale.

2. Description of the Case

A. Plaintiff's Factual and Legal Contentions: Plaintiff alleges that PFS and Hale violated 15 U.S.C. § 1692 et seq. (FDCPA) in their attempts to collect a debt and seeks statutory damages as a result of the actions of PFS and Hale.

B. Defendant's Factual and Legal Contentions: PFS and Hale deny any damages, liability or wrongdoing under the law and incorporate by reference herein their Answer to Plaintiff's Complaint filed on November 14, 2013.

3. Jurisdictional Basis: Federal Question Jurisdiction, 28 U.S.C. § 1331.

4. Initial Disclosures: The parties will complete the initial mandatory disclosures by **February 7, 2014** as required by this Court's December 20, 2013 Order.

5. Proposed Scheduling Order Deadlines:

- (1) Deadline for Motions to Transfer: **March 17, 2014.**
- (2) Deadline to add parties: **April 22, 2014.**
- (3) If the parties plan to mediate, state date parties propose: If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery on or before N/A
- (4) Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **May 20, 2014.**
- (5) Deadline for Plaintiff to file amended pleadings: **June 13, 2014.**
- (6) Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **June 27, 2014.**
- (7) Deadline to object to any other party's expert witnesses is **6 weeks** after disclosure of an expert is made.
- (8) Deadline for Defendant's final amended pleadings: **June 24, 2014.**
- (9) Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions: **June 27, 2014.**
- (10) All discovery shall be commenced in time to be completed by **August 29, 2014**

- (11) Notice of intent to offer certified records: **February 5, 2015.**
- (12) Counsel and unrepresented parties are responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form by **February 5, 2015.**
- (13) Video deposition designations are due by **February 13, 2015.**
- (14) Motions in limine are due by **February 26, 2015.**
- (15) Responses to motions in limine, objections to witnesses, deposition extracts and exhibits listed in the pre-trial order are due by **March 5, 2015.**
- (16) The parties will file the proposed jury instructions/form of verdict by **February 26, 2015.**
- 6. **Mediation:** The parties do not believe that mediation is appropriate and are not interested in doing so.

7. **Identity of Persons Expected to be Deposed:**

A. **Plaintiff:** No depositions are expected to be taken.

B. **Defendant:** Defendant will depose plaintiff and any experts identified by him.

8. **Any Issues Relating to Disclosure or Discovery of Electronically Stored Information:** None at this time.

9. **Whether any Other Orders Should be Entered by the Court Pursuant to Fed. R. Civ. P. 26(c), 16(b) or 16(c):** Both parties will agree to a protective order regarding discovery.

10. **Expected Length of Trial:** The parties anticipate trial will take 1-2 days.

11. **Attorneys Appearing on Behalf of the Parties at the Management Conference:**

David Mack 7720 McCallum Boulevard #2099 Dallas, TX 75252 972-735-9642 Plaintiff, pro se	Robbie Malone State Bar No. 12876450 Robbie Malone Northpark Central, Suite 1850 8750 N. Central Expressway Dallas, Texas 75231 Telephone: (214) 346-2630 Attorney for Defendants, Progressive Financial Services, Inc. and Christopher Hale
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12. Any Other Matters Counsel Deem Appropriate for Inclusion in the Joint Conference Report: The parties do not consent to a trial before a magistrate judge.

Dated this 27th day of January 2014.

Respectfully Submitted,

/s/ David E. Mack
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